

RESOLUTION NO. 24-11

RESOLUTION OF FORMATION OF THE BOARD OF TRUSTEES OF THE WESTSIDE UNION SCHOOL DISTRICT ESTABLISHING WESTSIDE UNION SCHOOL DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2024-1

WHEREAS, the Board of Trustees (“Board”) of the Westside Union School District (“District”) has adopted Resolution No. 24-05 (“Resolution of Intention”) stating its intention to form Westside Union School District Community Facilities District No. 2024-1 (the “CFD”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”); and

WHEREAS, a copy of the Resolution of Intention incorporating a description and map of the proposed boundaries of the CFD and setting forth the rate and method of apportionment (the “Special Tax Formula”) and manner of collection of the special tax to be levied within the CFD, which will be used to finance District facilities and facilities of the Antelope Valley Union High School District (“AVUHSD”), with an estimated useful life of five years or longer necessary to meet increased demands placed upon the District and AVUHSD (collectively, the “Facilities”) as a result of anticipated development within the proposed CFD, is on file with the Clerk of the Board and incorporated herein by reference; and

WHEREAS, due to an inadvertent error, the map of the proposed boundaries of the CFD was required to be amended since the adoption of the Resolution of Intention; and

WHEREAS, in accordance with the Act, the Board held a public hearing on April 2, 2024, on the formation of the CFD and on incurring bonded indebtedness with respect to the CFD; and

WHEREAS, prior to the hearing, a report prepared by California Financial Services (“CFD Report”) was filed with the Board, containing the boundary map, a description of the Facilities, an estimate of the costs of the Facilities and incidental expenses to be financed by the District; and

WHEREAS, the CFD Report has been reviewed by the Board and is incorporated herein and made a part of the record of the public hearing; and

WHEREAS, the Joint Community Facilities Agreement previously approved by the Board, by and between the District and AVUHSD has been revised for clarification; and

WHEREAS, at the hearing, all persons desiring to be heard on matters pertaining to the CFD formation were heard and a full and fair hearing was held.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE WESTSIDE UNION SCHOOL DISTRICT, ACTING AS THE LEGISLATIVE BODY OF WESTSIDE UNION SCHOOL DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2024-1, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

1. Pursuant to Government Code section 53325.1(b), the Board finds and determines that the proceedings prior hereto were valid and in conformity with the requirements of the Act.

2. Written protests against the establishment of the CFD, the issuance of bonds, or against the Facilities or the levying of a special tax within the CFD, have not been filed by fifty percent (50%) or more of the registered voters or property owners of one-half (1/2) or more of the area of land within the CFD.

3. A community facilities district to be designated "Westside Union School District Community Facilities District No. 2024-1" is hereby established.

4. Due to an inadvertent error, parcels 3204-004-041, 3204-004-042, 3204-004-043, and 3204-004-044, were omitted from the original map recorded with the Los Angeles County Recorder on March 4, 2024. Said parcels are owned by a CFD property owner, are within the boundaries of the CFD, were expected to be included in the original map, and have been added to the amended boundary map. The Clerk is hereby directed to certify and sign the amended boundary map of CFD No. 2024-1, on file in their office and record it with all proper endorsements thereon with the County Recorder of the County of Los Angeles within fifteen (15) days after the adoption of this resolution, all as required by the Streets and Highways Code of the State of California including Section 3113.

5. The Facilities proposed to be financed by the CFD include but are not limited to the financing, acquisition, renovation, modernization and/or construction of public schools and AVUHSD facilities with an estimated useful life of five (5) years or more which the CFD or a public agency is authorized by law to contribute revenue to or to construct, own or operate, and which are necessary to meet present or increased demand upon the District as a result of development or rehabilitation occurring within the boundaries of the proposed CFD, including all permissible related incidental expenses. Such Facilities need not be physically located within the CFD.

6. Except where funds are otherwise available, it is the intention of the Board to levy annually a special tax ("Special Tax") sufficient to pay for the costs of financing the acquisition and/or construction of the Facilities, including the principal of and interest on the bonds proposed to be issued to finance the Facilities and other periodic costs, lease payments, installment purchase payments or other payments, the establishment and replenishment of reserve funds, the remarketing, credit enhancement and liquidity fees, the costs of administering the levy and collection of the Special Tax and all other costs of the levy of the Special Tax and issuance of the bonds, including any foreclosure proceedings, architectural, engineering, inspection, legal, fiscal, and financial consultant fees, discount fees, interest on bonds due and payable prior to the expiration of one year from the date of completion of facilities (but not to exceed two years), election costs and all costs of issuance of the bonds, including, but not limited to, fees for bond counsel, disclosure counsel, financing consultants and printing costs, and all other administrative costs of the tax levy and bond issue. The Special Tax will be secured by recordation of a continuing lien against all non-exempt real property in the CFD. In the first year in which such a Special Tax is levied, the levy shall include a sum sufficient to repay to the District all amounts, if any, transferred to the CFD pursuant to Section 53314 of the Act and interest thereon. The

schedule of the rate and method of apportionment and manner of collection of the Special Tax is described in detail in Exhibit A attached hereto.

The Special Tax is apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act. In the event that a portion of the property within the CFD shall become for any reason exempt, wholly or partially, from the levy of the Special Tax, the Board shall, on behalf of the CFD, increase the levy to the extent necessary upon the remaining property within the CFD which is not delinquent or exempt in order to yield the required payments, subject to the maximum Special Tax. Under no circumstances, however, shall the Special Tax levied against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the CFD by more than ten percent (10%). Furthermore, the maximum Special Tax authorized to be levied against any parcel used for private residential purposes shall not be increased over time in excess of two percent (2.0%) per year.

7. Upon recordation of a Notice of Special Tax Lien pursuant to Streets and Highways Code section 3114.5, a continuing lien to secure each levy of the Special Tax shall attach to all non-exempt real property in the CFD, and this lien shall continue in force and effect until the Special Tax obligation is prepaid or otherwise permanently satisfied and the lien canceled in accordance with law or until collection of the Special Tax by the CFD ceases.

8. Pursuant to Government Code section 50075.1, the Board hereby establishes the following accountability measures pertaining to the levy by the CFD of the Special Tax:

A. Such Special Tax shall be levied for the specific purposes set forth herein.

B. The proceeds of the levy of such Special Tax shall be applied only to the specific purposes set forth herein.

C. The CFD shall establish an account or accounts into which the proceeds of such Special Tax shall be deposited.

D. The Superintendent or designee, acting for and on behalf of the CFD, shall annually file a report with the Board as required by Government Code section 50075.3.

9. The Superintendent or his/her designee is designated to be responsible for preparing or causing to be prepared annually a current roll of the Special Tax levy obligations by assessor's parcel number and for estimating future Special Tax levies pursuant to Government Code section 53340.1.

10. The voting procedure with respect to the imposition of the Special Tax, incurring bonded indebtedness and establishing an appropriations limit of the CFD shall be by a mailed-ballot election, which may, in the alternative, be provided electronically, by overnight delivery service or delivered by hand.

11. The District may accept advances of funds from any source, including private persons or private entities, and is authorized and directed to use such funds for any authorized

purpose, including any costs incurred by the District in creating the CFD. The District may enter into an agreement to repay all of such funds as are not expended or committed for any authorized purpose at the time of the election on the levy of the Special Tax, if the proposal to levy such tax should fail, and to repay from proceeds of the levy of the Special Tax all of such funds advanced if the levy of the Special Tax shall be approved by the qualified electors of the CFD.

12. The Board hereby determines that the formation of the CFD is not a project pursuant to the California Environmental Quality Guidelines section 15378(b)(4) and authorizes the District staff to file a notice of exemption with the appropriate parties including, but not limited to, the Los Angeles County Clerk and State Clearinghouse in the Office of Planning and Research.

13. The revised Joint Community Facilities Agreement on file with the Clerk of the Board, is hereby approved.


14. The Clerk is directed to certify and attest to this Resolution and to take any and all necessary acts to call, hold, canvass and certify an election or elections on incurring bonded indebtedness, levying the Special Tax, and establishing the appropriations limit.

15. The members of the Board and their authorized representatives are, and each of them acting alone is, hereby authorized to execute any and all documents and agreements and perform any and all acts and things, from time to time, consistent with this resolution and necessary or appropriate to carry the same into effect and to carry out its purpose. All actions heretofore taken by the officers and agents of the District that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

PASSED AND ADOPTED by the Board of Trustees of the Westside Union School District on the 2nd day of April, 2024, by the following vote:

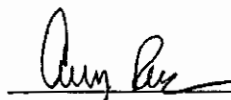
AYES: 4
NAYS: 0

ABSENT: 1
ABSTAIN: 0



President, Board of Trustees
Westside Union School District

ATTEST:



Clerk, Board of Trustees
Westside Union School District